

17	Bill McKissick, Jr	51 / 177	OBP/APZ2 (in part)	RH (for non-APZ2 portion)	N: Maintain OBP.
18	John Parlett, Jr	51 / 618C	OBP	RH for non-APZ2 portion	N: Maintain OBP.
19	Joseph Densford	51 / 158	CC	CC	Y: Continue current CC zoning.
20	Thomas Devenny	51 / 2	DMX/PUD	DMX	Y: Removal of PUD does not conflict with the Master Plan.
21	Ed Curley III	52 / 196 102	OBP/APZ2	CMX/APZ2	Y: CMX is appropriate for small parcels adjacent to other CMX.
22	Terry Adair	43 / 237, 236, 181, 275	RL	RMX	N: Maintain RL.
23	Margaret Smith	34 / 72	RMX	CMX	N: Maintain RMX

Table 3, Line 1

Commissioner Raley moved, seconded by Commissioner Mattingly with regards to Table 3, Line 1, to go along with the Planning Commission's Recommendation. Motion carried 5-0

Table 3, Line 2 – 7

Commissioner Mattingly moved, seconded by Commissioner Raley, to accept the Recommendations of the Planning Commission on Items, Line Number 2 through 7. Motion carried 5-0.

Table 3, Line 8

Commissioner Raley moved, seconded by Commissioner Mattingly, to go along with the Planning Commission's Recommendation with regards to Item Line 8. Motion carried 5-0.

Table 3, Line 9

Commissioner Raley moved, seconded by Commissioner Mattingly, with regards to Property cited on Line 9 of Table 3, to go along with the Planning Commission's Recommendation. Motion carried 5-0.

Table 3, Line 10

Commissioner Raley moved, seconded by Commissioner Jarboe, with regards to the Property cited on Line 10 of Table 3, to go along with the Planning Commission's Recommendation. Motion carried 5-0.

Table 3, Line 11

Commissioner Raley moved, seconded by Commissioner Dement, taking into account the discussion with regards to the recorded covenant, that Property cited on Line 11, Table 3, Tax Map 51 Parcel 163 be Zoned RH. Motion carried 5-0.

Table 3, Line 13

Commissioner Mattingly moved, seconded by Commissioner Jarboe to accept the Recommendation of the Planning Commission. Motion carried 4-0, Commissioner Raley abstained.

Table 3, Line 14 – 18

Commissioner Raley moved, seconded by Commissioner Mattingly, with regards to those Properties cited on Lines 14, 15, 16, 17, and 18, on Table 3, to follow the Planning Commission's Recommendation. Motion carried 5-0.

Table 3, Line 20

Commissioner Raley moved, seconded by Commissioner Jarboe, with regards to the Property cited on Line 20, Table 3, to go along with the Planning Commission's Recommendation. Motion carried 5-0.

Table 3, Line 21

Commissioner Raley moved, seconded by Commissioner Jarboe, with regards to the Property cited on Line 21, Table 3, to go along with the Planning Commission's Recommendation. Motion carried 5-0.

Table 3, Line 22

Commissioner Raley moved, seconded by Commissioner Mattingly, with regards to the Property cited on Line 22, Table 3, to go along with the Planning Commission's Recommendation. Motion carried 5-0.

Table 3, Line 23

Commissioner Mattingly moved, seconded by Commissioner Raley, to accept the Planning Commission's Recommendation. Motion carried 5-0.

PUBLIC HEARING: ST. MARY'S COUNTY COMPREHENSIVE SOLID WASTE MANAGEMENT AND RECYCLING PLAN 2005 UPDATE

Present: George Erichsen, Director, DPW&T
Richard Tarr, Solid Waste Manager, Solid Waste Advisory Committee

The purpose of the Public Hearing was to present the County's Comprehensive Solid Waste Management and Recycling Plan (2005 – 2015), for consideration of adopting the 2005 Update.

A Certificate of Publication, a copy of the Public Hearing Notice, a photograph of the Property Posting, and correspondence from the Director, Land Use and Growth Management stating that the Solid Waste Plan is in conformance with the Comprehensive Land Use Plan were presented for the Record. Notice of the Public Hearing was published in the St. Mary's Today newspaper on September 10, and on September 17, 2006.

Current operations are fully funded for solid waste and recycling operations to include the construction, initial staffing and equipment for a proposed transfer station at the St. Andrews Landfill site.

Public Testimony

Daphne McGuire, 26070 Laurel Grove Road, Mechanicsville, MD 20659

Several years ago, was a member of the Solid Waste Advisory Team, that worked long and hard to form a plan, protecting not only the County, but also its citizens. Part of this document addressed the issue of citizen input to changes in the way our solid waste is handled. The Plan contained provisions to keep citizens advised of changes and to use a “public informational meeting” to keep people advised of major changes. Considers the construction of a Transfer Station (at St. Andrew’s Landfill) is a major change, but a public information meeting has not been held, and this Public Hearing was only allocated 15 minutes on the agenda.

Personally welcomes the idea of a Transfer Station in the County, as long as the County owns the permit and is in full control of the facility. Realizes that time is important. But the public needs to be more informed than just the newspaper article.

Ken Hastings, 39044 Holly Drive, Mechanicsville, MD 20659

Like Mrs. McGuire, also worked on the Solid Waste Plan. Worked hard to get a process in place to provide some protection from the legacy problem we had. Some of you are very familiar with the agony and pain that we experienced because we did not have a reasonable plan; a process to protect our citizens from the types of things that happened there. I’m here today without enough knowledge on what you’re trying to do to say if it’s a good thing or a bad thing. I have a lot of questions about the details that would influence that decision. I’m really here today to protest the process. I’ve heard that this is being done in an emergency situation, because of Calvert.

However, the Solid Waste Plan is dated 2005, it’s almost 2007. If this process has been going on that long, then it would seem that we had time to have some public informational meetings and maybe some public interchange.

The Plan is heavy on policy statements and objectives. Policy 3, “to encourage public participation in solid waste policy making”, Objective D, “actively encourage citizens involvement early in the process of reviewing an approving new solid waste management facilities”. There’s a whole sequence on public informational meeting process, guaranteeing that the public is heard and responded to.

In reading the current, approved plan, and also the one that is here under discussion today, there are some salient differences where someone has recognized that there is a violation of policy and has tried to squeeze in a “back door approval,” without following the plan that’s already approved. I’m talking about the portion where the exclusion of the County facility that you’re talking about has been added to the new plan, is not approved. Basically, should have been in the approved plan. For clarification, the plan has a list of exclusions put in there because we didn’t want the County or anyone else that wanted to add a site receptacle for a public event to go through the amendment process and really to recognize the facility is consistent with the plan, it needs to be in the plan; e.g., putting in a recycling booth at the fair for a few days – they don’t have to amend the plan, or schools to recycle paper. We had minor things like that programmed in there, so it was well thought through.

In the new plan, there's a new line item that says it would exempt the facility you're discussing from the amendment process. Someone recognized that there was an amendment process that was supposed to be followed and they tried to mitigate that. There's a statement that "to be considered consistent with the plan, any solid waste acceptance facility or expansion of existing facility, public or private, must be specifically described and identified by name in the plan." The intent was never to give the government carte blanche to do what they wanted to do with solid waste facilities outside the public arena. From a legal standpoint, that may be a good thing and we certainly thought it through, with advice from the County attorney at the time.

If you think about it, if someone else wants to get a solid waste facility, and if they're told that they have to get the plan amended and go through that process. And, their lawyers are here saying arbitrary and capricious things, because you used one set of rules for one set of people, and a different one in spite of what your approved text says.

I'd like to know a lot of things: Who's going to hold the permit? Who's going to operate the facility? How is it being financed? How will the existing solid waste services be affected? We have a good system and services now. Is it going to be a processing facility as well? There's a world of difference between a transfer station and a processing facility.

We all share the pain of what we had before. And, really don't want to see the process torn down and destroyed every time there's an apparent emergency. We'd like to see this handled differently. Should not be dismissed casually. Need to reconsider the process.

Claire Whitbeck, Leonardtown, MD (member of the Solid Waste Advisory Committee)

Appreciate and respect Ken's problem with the process. There must be a way that we can say this is a little bit different from the ordinary thing. My concern is that the next time the solid waste plan comes up, a commercial facility could come in and say "include me." And, we'd go around the public process. However, we are between a rock and a hard place. We need to have a place to take our trash. We've been taking it to Calvert County. We can't do that anymore. We don't know exactly when, but we know that we are going to be shut down from that facility fairly soon. I want to give Mr. Erichsen and Mr. Tarr good points for their responsiveness. Government doesn't normally move at the speed that we have moved to provide this facility for ourselves. I don't think it is going to affect our trash processing, because all it does is shortcut the trip across the bridge. The trash will essentially be moving to the same sort of place, it just isn't going across the bridge; it will stop at the St. Andrew's Landfill. I am very pleased that this is not a new facility / location for a trash handling facility. Folks are accustomed to the fact that it occurs back there.

While, concerned about the process, I support what is being done because it's a matter of public emergency. And, by the way, although the plan has been around, this did not get added until early this summer. We need this facility. We do not need to shortcut the public process, but I don't see a way around it.

The public hearing was closed and the open record period set for 10 days.

The Board recessed to attend the Chamber of Commerce 2006 State of the County Luncheon at the J. T. Daugherty Conference Center in Lexington Park.

The Board reconvened at the Governmental Center at 2:30 PM.

COUNTY ADMINISTRATOR

1. Draft Agendas October 3 and October 10, 2006

The following items were added to the County Admin List as a result of the Budget Work Session:

Finance Department (*Elaine Kramer, CFO*)

- A. Action: To approve and authorize the Commissioner President to sign a budget amendment for \$148,456 to reduce the amounts budgeted in several accounts for exempt financing payments in FY07, and thus increasing the Commissioners' Reserve .

- B. Action: To approve and authorize the Commissioner President to sign a budget amendment to replace grant funding in the amount of \$5,042 for Marcey House using the Commissioners' Reserve.
- C. Action: To approve and authorize the Commissioner President to sign a budget amendment to add \$4,292 to the Emergency Management Division of Public Safety, by a transfer from the Commissioners' Reserve.
- D. Action: To approve and authorize the Commissioner President to sign a budget amendment to add \$58,239 to the allocation for Tri-County Youth Services Bureau by a transfer from the Commissioners' Reserve.
- E. Action: To approve and authorize the Commissioner President to sign a budget amendment to provide for a one-time only allocation to SMARTCO of \$35,000 for space needs in FY2007 by a transfer from the Commissioners' Reserve.

Commissioner Raley moved, seconded by Commissioner Mattingly, to approve the Budget Amendment documentation as provided in items A through E.

Motion carried 4-0, Commissioner Dement was absent for the vote but later voiced his support for the motion.

- 2. **Department of Economic & Community Development (John Savich, Director) and St. Mary's County Community Development Corporation** (*Robin Finnacom, Executive Director; and Bill Durkin, Owner, Durkin Realty, PC*)

Commissioner Raley moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign the Installation and Maintenance Agreement for Streetscape Improvements for Durkin Realty PC, authorizing County funding in the amount of \$7,165, as part of the Lexington Park Landscape Improvement Matching Grant Program. Motion carried 5-0.

- 3. **Department of Recreation, Parks, and Community Services** (*Phil Rollins, Director, RP&CS*)

(Liz Passarelli, Real Property Manager, Office of the County Attorney; Debra Pence, Museum

Director; Museum Board Trustees; and Mr. William Blanton)

Commissioner Dement moved, seconded by Commissioner Mattingly, to accept the deed from Blanton Company, LLC, to convey 2,914 square feet of land for use in conjunction with Piney Point Lighthouse Museum and authorize the Commissioner President to sign the Certificate of Acceptance. Motion carried 5-0.

(J. Harry Norris, III, Mayor, Town of Leonardtown; Laschelle Miller, Town Administrator)

Commissioner Mattingly moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign the MOU, replacing in full the MOU dated September 24th, 2004, between the County Commissioners and the Town of Leonardtown, for the Leonardtown Wharf Project. Motion carried 5-0.

(Elaine Kramer, CFO)

Commissioner Dement moved, seconded by Commissioner Mattingly, to approve and authorize the Commissioner President to sign the Budget Amendment decreasing the Piney Point Lighthouse Expansion Project budget by \$20,000 for FY07, aligning the project budget with the actual grant amount. Motion carried 5-0.

4. **Dept. of Economic and Community Development** (*Dennis Nicholson, Exec. Director, Housing Authority*)

Commissioner Raley moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign the Maryland Community Development Block Grant Agreement documents awarding \$240,000 for the rehabilitation of six townhouses in Colony Square development and to sign and Sub-Recipient Agreement between the County and the Housing Authority of St. Mary's County. Motion carried 5-0.

5. **Dept. of Land Use and Growth Management** (*Denis Canavan, Director, LGUM; Teresa Wilson, Historic Preservation Planner*)

Commissioner Jarboe moved, seconded by Commissioner Mattingly, to approve and authorize the Commissioner President to sign the MOU for the Scenic Byways Program, Religious Freedom Tour Corridor Management Plan, and the related Budget Amendment. Motion carried 5-0.

MARYLAND DEPARTMENT OF TRANSPORTATION (MDOT): ANNUAL PRESENTATION

Present: Secretary Robert L. Flanagan and staff
Delegate Johnny Wood
Delegate Anthony O'Donnell
J. Harry Norris, III, Mayor, Town of Leonardtown

Secretary Flanagan and MDOT staff members provided a briefing on the FY 2007 – 2012 Maryland Consolidated Transportation Plan, the 2006 Strategic Highway Safety Plan, the SHA – St. Mary's County Secondary Construction Program, Secondary Development and Evaluation Program, and Safety, Congestion Relief, Highway, and Bridge Preservation Program.

ADJOURNMENT

The meeting adjourned at 4:30 pm.

Minutes Approved by the Board of County Commissioners on _____

Betty Jean Pasko, Senior Administrative Coordinator

